

REMARKS

Claim Rejections - 35 USC §103

The examiner rejected claims 1-12 under 35 USC §103(a) as unpatentable over Puckette (US Patent 6,385,721) in view of Assaf (US Patent 5,966,732) and further in view of Bates (US Patent 6,367,074). The applicant respectfully disagrees.

Regarding claim 1, the examiner asserts that Puckette discloses a disk drive for use with a computer system configured to generate a command, the disk drive comprising a host-accessible user partition (bootable OS partition 48) including a host-selected master boot record 46 (FIG 2), a hidden partition (hibernation partition 50) including a drive-selected boot record 46, and a disk controller (BIOS 14) configured to receive the command (F10 command signal) from the computer system and to send the drive-selected boot record to the computer system in response to receipt of the command. The applicant respectfully disagrees.

The boot record 46 in the hibernation partition 50 disclosed by Puckette is not drive-selected as recited in the claims, rather, the boot record 46 is host-selected. That is, the host computer system 10 selects the boot record 46 from either the bootable OS partition 48 or the hibernation partition 50. As conceded by the examiner on page 4 of the office action, Puckette discloses at col. 9, ll. 1-17, that the BIOS 14 of the host computer system 10 selects the appropriate boot record 46 in response to a command received from the user (e.g., pressing the F10 key).

In contrast to Puckette, claim 1 recites that the disk controller within the disk drive selects the drive-selected boot record in response to a command received from the host. In one embodiment, the host sends a conventional boot command to the disk drive requesting the master boot record (host-selected boot record), and in response to this command the disk controller 31 instead returns an alternate or drive-selected boot record (see FIG. 3 of applicant's specification).

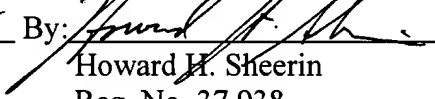
Puckette clearly shows in FIG. 1 that the BIOS 14 is part of the host computer 10 and not included in the disk drive (mass storage device 30). Since Puckette teaches that the BIOS 14 selects the appropriate boot record in response to the user's command, and claim 1 recites that the disk controller 31 within the disk drive selects the appropriate boot record, the rejection should be withdrawn.

The rejection of the remaining claims should be withdrawn for the reasons set forth above.

CONCLUSION

In view of the above remarks, the rejections under 35 USC §103 should be withdrawn. In particular, nothing in the relied upon prior art discloses or suggests a disk drive comprising a disk controller for selecting between a master boot record (host-selected boot record) and an alternate or drive-selected boot record in response to a command received from a host computer. The examiner is encouraged to contact the undersigned over the telephone in order to resolve any remaining issues that may prevent the immediate allowance of the present application.

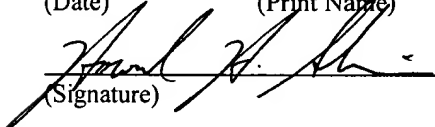
Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

5/17/05 Howard H. Sheerin
(Date) (Print Name)


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